

January 3, 2008

**VIA EMAIL**

Honorable Louisa S. Porter  
United States Magistrate Judge  
United States District Court  
Southern District of California  
940 Front Street, 1st Floor  
San Diego, CA 92101

**Re: Shalaby v. Newell Rubbermaid, et al.**  
**Case No: 07-cv-2107-W (POR)**

Dear Judge Porter:

I represent third party defendant Worthington Industries, Inc. ("Worthington"). I respectfully request that Tim Doney, Assistant General Counsel for Worthington, be permitted to represent Worthington at the Early Neutral Evaluation set for January 16, 2008.

I understand that the your November 19, 2007 order specifically provides that corporate counsel shall not appear on behalf of a corporation as the party having the authority to negotiate and enter into a settlement. In this case, I believe that Mr. Doney would nevertheless be the most appropriate representative from Worthington to attend.

In his capacity as a corporate counsel, Mr. Doney manages all of Worthington's litigation and determines settlement values. While he naturally confers with company executives, Mr. Doney makes the final decision on almost all settlements, including ones comparable to this case. He is intimately familiar with the facts of this case and with Worthington's products.

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Accordingly, I respectfully request that Mr. Doney be permitted to be the designated company representative at the Early Neutral Evaluation.

Sincerely,

Richard A. Ergo

RAE/csh

cc: Mark D. Epstein  
J. Phillip Moorhead  
Lowell T. Carruth  
Beth S. Naylor